



U.S. Department of Justice

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The Honorable James K. Bredar
United States District Judge
101 W. Lombard Street
Baltimore, Maryland 21201

Re: United States v. Gerald Johnson et al., JKB-16-363

Dear Judge Bredar,

We write to notify the Court that yesterday afternoon, a grand jury in this District returned a second superseding indictment against the defendants in this case. ECF 260. The indictment does not add new defendants or RICO-based counts. It does, however, add new overt acts to the racketeering conspiracy charged in Count One, as well as a new Count, Count Eight, which charges Marquise McCants with possession of a firearm by a felon, in violation of 18 U.S.C. § 922(g).

With respect to Count One, the new overt acts fall roughly into three categories: (i) allegations regarding criminal conduct by McCants in early 2017, including a shooting he committed in the 400 block of East North Avenue on February 4, 2017;¹ (ii) allegations based on recorded jail calls and social media postings; and (iii) allegations pertaining to the recovery of a firearm from Kenneth Jones in April 2011, which has already been the subject of a motion to suppress by Jones' counsel, *see* ECF 194. Notably, the allegations regarding McCants, as well as the social media postings, will not entail the production of any new, non-*Jencks* discovery by the government. Similarly, with respect to the allegations regarding jail calls, the government has already produced a written log summarizing the calls that are featured in today's indictment. We will produce the recorded calls themselves, many of which have already been shared with the defendants and their counsel, by early next week. Our production will also include any outstanding reports pertaining to the recovery of the firearm from Jones in April 2011.

In sum, we expect that yesterday's indictment will result in only one small discovery production, consisting mostly of the defendant's own statements during recorded jail calls. Under these circumstances, we do not believe that the indictment should entail any postponements or changes to the scheduling order that currently governs this case.

¹ At the time of the shooting, McCants was wanted on an arrest warrant issued in connection with this case.

Very truly yours,

STEPHEN M. SCHENNING
Acting United States Attorney

By: /s/
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Christina A. Hoffman
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